



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,504	01/22/2004	Deborah K. Avis	P/3426-70	7249

2352	7590	09/11/2007
OSTROLENK FABER GERB & SOFFEN		
1180 AVENUE OF THE AMERICAS		
NEW YORK, NY 100368403		

EXAMINER	
TRAN, CHUC	

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
09/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,504

Applicant(s)

AVIS, DEBORAH K.

Examiner

Chuc D. Tran

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 15 is/are rejected.
- 7) ☒ Claim(s) 13-14, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/22/04; 8/1/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

In response to the Applicant's amendment submitted on 5/31/07. Claims 1-11 and 17-23 are withdrawn. Thus, claims 12-16 are now remain in the instant application.

Response to Arguments

1. Applicant's arguments with respect to claims 12-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 16 is objected to because of the following informalities:

Claim 16, line 1, "including a motion detector" would be changed to - - the motion detector - -;

Claim 16, line 3, "before shut-off." would be changed to - - before shut-off; - -;

Claim 16, line 8, "non-conductive state." would be changed to - - non-conductive state; -

-.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruwer.

Regarding claim 15, Bruwer disclose a control device (100) in Fig. 1 and 2, comprising:

a self-contained electrical circuit (103) adapted to be inserted in series with a battery power source (101) for a battery powered load device (105) (Col. 9, Line 66) and (Col 10, line 1-3) including a timer (203) (Fig. 2) that automatically times out and shuts off the battery power to the load device at a predetermined time after the load device is turned on (Col. 3, Line 34 and 61) (Col. 10, Line 10) and (Abstract). However, Bruwer is silent on the limitation of the self-contained electrical circuit adapted to be removable inserted in series with a battery power source. Thus, it would have been obvious to one having ordinary skill in the art to modify Bruwer's control device by making the self-contained electrical circuit adapted to be removable (removable batteries bracket includes the self-contained electrical circuit) inserted in series with a battery power source in order to be easy to remove the battery cells when it's go low. It's matter of obvious of design choice.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruwer (USP. 6,952,084) in view of Irvin et al (USP. 7,010,332).

Regarding claim 12, Bruwer disclose in Fig. 2, 5 and 8 a small thin disc (microchip (103) same (803)) configured and sized (size of a quarter) (Col. 10, Line 2) for insertion in a battery cavity between a load device and the battery (Col. 9, Line 66) and (Col. 10, Line 15) having an automatic shut off timing device (microchip) (See Abstract). However, Bruwer does not go to detail of a motion detector for automatically shut off timing device. Irvin disclose a control device in Fig. 4, comprising a motion detector (220) (Irvin, Col. 5, Line 27) for automatically shut off timing device (See Irvin, Abstract). Thus, it would have been obvious to one having ordinary skill in the art to modify Bruwer's control device by replacing the Bruwer's touch-pad

Art Unit: 2821

sensor with the motion sensor as taught by Irvin in order to maximize the battery life See (Irvin's Abstract).

Allowable Subject Matter

6. Claims 13-14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D. Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/763,504

Page 5

Art Unit: 2821

TC ³¹
August ~~4~~, 2007

Douglas W. Owens 9/1/07

DOUGLAS W. OWENS
SUPERVISORY PATENT EXAMINER